

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA
VIDAL, et al.,

Plaintiffs,

v.

CHAD WOLF, et al.,

Defendants.

16-CV-4756 (NGG) (VMS)

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

17-CV-5228 (NGG) (VMS)

**PLAINTIFFS' NOTICE OF MOTION
(Fed. R. Civ. P. 56 and 28 U.S.C. § 2201)**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 56, Plaintiffs hereby move the Court for partial summary judgment with respect to their claims for relief under the Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A), (C). *See Batalla Vidal Pls.' Fourth Am. Compl. ¶¶ 211-18 (Third Claim for Relief) (Dkt. 308); States' Second Am. Suppl. Compl. ¶¶ 328-31 (Eighth Claim for Relief) (States Dkt. 271).*

Plaintiffs request that the Court vacate and set aside Chad Wolf's July 28, 2020 memorandum, *Reconsideration of the June 15, 2012 Memorandum Entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as*

Children”; declare that the memorandum and the September 10, 2020, November 14, 2020, and November 16, 2020 purported ratification efforts by Federal Emergency Management Agency (“FEMA”) Administrator Peter Gaynor and Defendant Wolf are unauthorized and therefore without legal effect; and further enter the declaratory, injunctive, and other equitable relief set forth in the Proposed Order accompanying this motion.

In support of this motion, Plaintiffs rely on the accompanying Memorandum of Law; the Declaration of Matthew Colangelo dated November 24, 2020; the exhibits attached to that Declaration; the pleadings and papers on file in this action; and any argument and evidence that is presented on the hearing of this motion.

DATED: November 24, 2020

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Respectfully submitted,

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* Motion for law student appearance
pending

**Application forthcoming in E.D.N.Y.